

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

<p>TOUFIK BOUNDAOUI</p> <p style="text-align: center;">Plaintiff / Petitioner</p> <p style="text-align: center;">v.</p> <p>MICHAEL MUKASEY, in his official capacity Attorney General of the United States; MICHAEL CHERTOFF, in his official capacity as Secretary of the Department of Homeland Security; RUTH DOROCHOFF, District Director of the Bureau of Citizenship and Immigration Services, Department of Homeland Security; ROBERT S. MUELLER, III, in his official capacity as Director of the Federal Bureau of Investigation,</p> <p style="text-align: center;">Defendants / Respondents</p>	<p style="text-align: right;">CASE NO.:</p> <p style="text-align: right;">HON.:</p> <p>FILED: JULY 31, 2008</p> <p>08CV4349</p> <p>JUDGE LEFKOW</p> <p>MAGISTRATE JUDGE NOLAN</p> <p>AEE</p>
------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Complaint for Naturalization and Other Relief

The plaintiff is a lawful permanent resident of the United States who applied to be naturalized as a United States citizen. His citizenship application has been pending since 2006 and he has satisfied all requirements for citizenship. He seeks immediate naturalization and other relief.

Jurisdiction and Venue

1. This court has subject matter jurisdiction pursuant to at least the following statutory provisions: 28 U.S.C. § 1331 (because questions of federal law are presented); and 8 U.S.C. § 1447(b) (granting district court jurisdiction to review naturalization applications); and 28 U.S.C. § 1361 (mandamus jurisdiction).
2. Pursuant to 29 U.S.C. § 1391, venue is proper in this district on either of the following grounds: (1) the plaintiff resides in this judicial district, the defendants are officers of the United States or agencies of the United States, and no real property is involved (28 U.S.C. § 1391(e)(3)); and (2) acts or omissions giving rise to the action occurred in this judicial district, as these applications for naturalization were processed in part by the Chicago office of the United States Citizenship and Immigration Services (28 U.S.C. § 1391(e)(2)).
3. An actual controversy has arisen and now exists between the Plaintiff and Defendants.

The Parties

Plaintiff:

4. Plaintiff TOUFIK BOUNDAOUI is a legal permanent resident of the United States who resides in Chicago, Illinois, which is located within this judicial district.

Defendants:

5. Defendant MICHAEL MUKASEY is being sued in his official capacity as the Attorney General of the United States. He is the sole person authorized by Congress to naturalize persons as citizens of the United States. 8 U.S.C. § 142(a).

6. Defendant MICHAEL CHERTOFF is being sued in his official capacity as the Secretary of the Department of Homeland Security (DHS). As of February 15, 2005, Mr. Chertoff has been responsible for the administration of the United States Citizenship and Immigration Service, which provides certain immigration related services including naturalization. 8 U.S.C. § 1103.

7. Defendant RUTH DOROCHOFF is the District Director of USCIS for the Chicago District. As such, she is charged with the duty of administration and enforcement of all the functions, powers, and duties of USCIS in the Chicago District.

8. Defendant ROBERT S. MUELLER, III, is the Director of the Federal Bureau of Investigation. As such he is charged with conducting background checks of applicants for naturalization when requested to do so by the USCIS.

Facts Common to All Counts

9. Mr. Boundaoui was born in Algeria. He is a person of good moral character.

10. Mr. Boundaoui has been a lawful permanent resident of the United States since at least 2000. His alien registration number is A 047 287 444.

11. Mr. Boundaoui applied for citizenship on or about September 16, 2005.

12. On February 15, 2006, Mr. Boundaoui attended the citizenship interview. He was informed shortly thereafter that he “passed the tests of English and U.S. history and government.” See Exhibit A.

13. At no time has Mr. Boundaoui been informed of any deficiencies with his application for naturalization.

14. Mr. Boundaoui has inquired many times regarding the status of the aforementioned application via mail.

15. At least as of 2006, Mr. Boundaoui satisfied all of the requirements for naturalization set forth in 8 U.S.C. § 1427.

16. Since Mr. Boundaoui’s citizenship examination in February of 2006, more than 2 years have passed.

17. The unreasonable delay in naturalizing Mr. Boundaoui has caused him damage, including at least his disenfranchisement and deprivation of other rights that flow from citizenship.

Count I: Naturalization Order Pursuant to 8 U.S.C. § 1447(b)

18. Mr. Boundaoui reasserts and realleges paragraphs 1 to 17 as if set forth fully here.

19. Pursuant to 8 U.S.C. § 1447(b), Mr. Boundaoui seeks a determination by this Court that he meets the requirements for naturalization and is to be naturalized as a U.S. citizen without further delay.

Prayer for Relief

Wherefore, Plaintiff TOUFIK BOUND AOUI seeks the following relief:

- A. An order setting an immediate date for naturalization of Mr. Boundaoui;
- B. The actual naturalization of Mr. Boundaoui by this Court;
- C. An award of damages in an amount to be determined;
- D. An award of costs, as provided by 28 U.S.C.S. § 2412(a)(1);
- E. An award of reasonable attorneys fees, as provided by 28 U.S.C.S. § 2412(d)(1); and
- F. Such other relief as the Court deems just.

Filed: July 31, 2008

s/Kevin Vodak_____

Kevin Vodak
Council on American-Islamic
Relations, Chicago Chapter
(CAIR-Chicago)
28 East Jackson Boulevard
Suite 1410
Chicago, Illinois 60604
Ph: 312.212.1520
Fax: 312.212.1530

Department of Homeland Security

U.S. Citizenship and Immigration Services

N-652, Naturalization Interview Results

A#: 47 287 444

On 2/15/06, you were interviewed by USCIS officer Marcucci

- ☒ You passed the tests of English and U.S. history and government.
- ☐ You passed the tests of U.S. history and government and the English language requirement was waived.
- ☐ USCIS has accepted your request for a Disability Exception. You are exempted from the requirement to demonstrate English language ability and/or a knowledge of U.S. history and government.
- ☐ You will be given another opportunity to be tested on your ability to _____ speak/_____ read/_____ understand _____ write _____ English.
- ☐ You will be given another opportunity to be tested on your knowledge of U.S. history and government.
- ☐ Please follow the instructions on Form N-14.
- ☐ USCIS will send you a written decision about your application.
- ☐ You did not pass the second and final test of your _____ English ability/_____ knowledge of U.S. history and government. You will not be rescheduled for another interview for this Form N-400. USCIS will send you a written decision about your application.

A) **Congratulations! Your application has been recommended for approval.** At this time it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.

B) ☒ A decision cannot yet be made about your application.

It is very important that you:

- ☒ Notify USCIS if you change your address.
- ☒ Come to any scheduled interview.
- ☒ Submit all requested documents.
- ☒ Send any questions about this application in writing to the officer named above. Include your full name, Alien Registration Number (A#), and a copy of this paper.
- ☒ Go to any Oath Ceremony that you are scheduled to attend.
- ☒ Notify USCIS as soon as possible in writing if you cannot come to any scheduled interview or Oath Ceremony. Include a copy of this paper and a copy of the scheduling notice.

NOTE: Please be advised that under section 336 of the Immigration and Nationality Act, you have the right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS had not made a determination on your application within 120 days of the date of your examination.